

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

Antwan Darcell Thomas,

Civil No. 14cv01245 SRN/JJK

Petitioner,

v.

**ORDER**

Commissioner Tom Roy,

Respondent.

---

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated May 2, 2014. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records and proceedings herein, the Court now makes and enters the following Order.

**IT IS HEREBY ORDERED** that:

1. Petitioner's application for a writ of habeas corpus, (Docket No. 1), is summarily **DENIED**;
2. Petitioner's motion seeking to be excused from the exhaustion of state court remedies requirement, (Docket No. 2), is **DENIED**;
3. This action is **DISMISSED WITHOUT PREJUDICE**; and
4. Petitioner is **NOT** granted a Certificate of Appealability.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: May 21, 2014

s/Susan Richard Nelson  
SUSAN RICHARD NELSON  
United States District Judge